

Message Text

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ORIGIN EB-11

INFO OCT-01 EUR-25 ISO-00 TRSE-00 CPR-02 INSE-00 L-03 SS-20

AGR-20 VO-03 SCA-01 CAB-09 CIAE-00 COME-00 DODE-00

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TREASURY - CLAWSON

S/CPR - KEATING

INS - BROBSON

EUR/CAN - BROWN

L/EB - GAITHER

EB/AN - STYLES

L/SCA - SHAMWELL

S/S:MR. GAMMON

----- 094328

R 042350Z APR 74

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: ETRN, CA

SUBJECT: CIVAIR - PRECLEARANCE

REF : (A) OTTAWA 942 (B) OTTAWA 944 (C) OTTAWA 959

1. EMBASSY REQUESTED TO SEEK RESOLUTION OF REMAINING
PROBLEMS RELATING TO PRECLEARANCE AGREEMENT AS FOLLOWS:

(A) PRIVILEGES AND IMMUNITIES: IF POSSIBLE, OBTAIN
ASSURANCES WITH RESPECT TO IMMUNITY OF PRECLEARANCE
FILES AND EQUIPMENT (INCLUDING CUSTOMS AND INS) BY
EXCHANGE OF NOTES CONCURRENT WITH SIGNATURE OF
AGREEMENTS. REGARDING PERSONAL PRIVILEGES, WE RECOGNIZE
THAT IT WILL NOT BE POSSIBLE TO SOLVE THIS PROBLEM
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PRIOR TO SIGNATURE. HOWEVER, EMBASSY SHOULD INDICATE

TO GOC OUR INTEREST IN REASONABLE AND WORKABLE
EXPANSION OF PRIVILEGES OF PRECLEARANCE AND OTHER
EQUIVALENT PERSONNEL AND OUR INTEREST IN DISCUSSING
THIS PROBLEM FURTHER AFTER SIGNATURE.

(B) COMMUTER AIRLINES: ALTHOUGH WE WOULD PREFER A
LANGUAGE CHANGE, WE ARE PREPARED TO POSTPONE LANGUAGE
CHANGE TO LATER DATE AFTER SIGNATURE. HOWEVER,
EMBASSY SHOULD CONFIRM THAT GOC DOES NOT OBJECT IF
U.S. CHOOSES TO PRECLEAR SCHEDULED OPERATIONS OF PILGRIM
AND OTHER EQUIVALENT U.S. AND CANADIAN CARRIER OPERATIONS.

(C) MEANING OF ARTICLE VII(B): WE ARE CONCERNED ABOUT
AIR CANADA'S ASSERTION (REF C) THAT UNDER THE
AGREEMENT IT COULD NOT BE CHARGED FOR OVERTIME. AIR
CANADA CITES IN SUPPORT OF ITS POSITION ARTICLE VII.
WE ASSUME IT REFERS TO ARTICLE VII(B): "THE INSPECTING
PARTY SHALL BE RESPONSIBLE FOR THE NORMAL COSTS OF
ITS INSPECTION PERSONNEL." EMBASSY SHOULD INFORM THE
GOC THAT U.S. DOES NOT SO INTERPRET THE AGREEMENT.
YOU SHOULD POINT OUT THAT THE WORD "NORMAL" WAS INSERTED
TO INDICATE THAT THE INSPECTING PARTY WOULD NOT BE
RESPONSIBLE FOR "ALL" COSTS OF ITS INSPECTION PERSONNEL.
"NORMAL" REFERS TO THOSE COSTS WHICH WOULD NORMALLY
BE INCURRED BY THE INSPECTING PARTY IN POSTCLEARANCE IN
ITS OWN TERRITORY. IT IS CUSTOMARY FOR U.S. INSPECTION
AGENCIES AT U.S. ENTRY POINTS TO BE REIMBURSED FOR
OVERTIME. ESSENTIALLY, THE EXPECTATION HERE WAS TO
MAINTAIN THE STATUS QUO. THIS POINT IS AN IMPORTANT
ONE AND ANY MISUNDERSTANDING ON IT SHOULD BE CLEARED
UP BEFORE FINAL ARRANGEMENTS ARE MADE FOR SIGNATURE.

(D) GOC LETTER OF JAN 2 TO TCO FROM EXSTAFF PROPOSING
ESTABLISHMENT OF U.S. PRECLEARANCE AT VICTORIA AND
RESUMPTION OF PRECLEARANCE ON VICTORIA-SEATTLE FERRY
SERVICE: EMBASSY SHOULD RESPOND TO THIS REQUEST BY
LETTER POINTING OUT THAT VICTORIA IS LISTED IN
ANNEX A TO PRECLEARANCE AGREEMENT AND THAT THIS
ANNEX TOGETHER WITH ARTICLE II SET FORTH THE PROCEDURE
TO BE USED FOR EXTENDING PRECLEARANCE TO ADDITIONAL
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POINTS. FURTHER, THERE WAS AN UNDERSTANDING
REACHED BETWEEN THE TWO SIDES AT THE FINAL SESSION OF
THE PRECLEARANCE NEGOTIATION, THAT THERE WOULD BE A
MEETING OF THE PARTIES APPROXIMATELY THREE MONTHS
AFTER SIGNATURE TO IMPLEMENT THIS PROCEDURE BY THE
DEVELOPMENT OF STANDARDS RELATING TO SPECIFIC TRAFFIC
AND OTHER CRITERIA TO BE USED IN EXTENDING PRECLEAR-
ANCE TO ADDITIONAL POINTS. WE WOULD BE PLEASED TO

CONSIDER THE CANADIAN REQUEST FOR THE EXTENSION OF
PRECLEARANCE TO VICTORIA IN THAT CONTEXT. WE WOULD
ALSO BE PREPARED TO DISCUSS THE MATTER OF THE RESUMPTION
OF PRECLEARANCE ON THE VICTORIA-SEATTLE FERRY
SERVICE AT THAT TIME. RUSH

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